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*Counsel for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

HELENA HUNTERS AND  
ANGLERS ASSOCIATION, a non-  
profit organization; and the  
MONTANA WILDLIFE  
FEDERATION, a non-profit  
organization,  
Plaintiffs,  
vs.

LEANNE MARTEN, in her capacity  
as Regional Forester for Region One;  
the UNITED STATES FOREST  
SERVICE, a federal agency; and the  
UNITED STATES DEPARTMENT  
OF AGRICULTURE, a federal  
department,  
Federal-Defendants.

9:19-cv-00047-DLC

(Consolidated with Case  
No. CV-19-106-M-DLC)

UNOPPOSED MOTION  
FOR CLARIFICATION  
REGARDING  
SCHEDULING ORDER  
(DOC. 9)

Helena Hunters and Anglers Association and the Montana Wildlife Federation (collectively “Helena Hunters”), plaintiffs in case No. 19-0047, respectfully submit this motion for clarification regarding this Court’s May 13, 2019 scheduling order (Doc. 9). In support of this motion, Helena Hunters states as follows:

1. On May 10, 2019, Helena Hunters and Federal-Defendants submitted a stipulation and joint motion for entry of a scheduling order in this case (Doc. 8).

2. The Parties’ stipulation and joint motion included proposed deadlines for filing an administrative record and briefing this matter on summary judgment. The Parties also requested additional words for their briefs (up to 10,000 words for their opening briefs) and stipulated and requested that all citations to the administrative record be included in their summary judgment briefs instead of filing a separate statement of undisputed facts as required by the Local Rules. Doc. 8 at 4 (citation to ECF page number).

3. On May 13, 2019, this Court adopted the Parties’ stipulation and joint case management plan, with modifications as set forth in the approved schedule. Doc. 9. This Court accepted the Parties’ proposed

dates and the Parties' request for additional words for their summary judgment briefs. This Court's order, however, was *silent* on the Parties' stipulation and request to forgo filing a separate statement of undisputed facts.

4. Helena Hunters interpreted this Court's order (Doc. 9) as adopting the Parties' request to forgo filing a separate statement of facts and, as such, filed its motion for summary judgment (Doc. 55) and supporting memorandum (Doc. 56) with citations to the administrative record and without filing a separate statement of undisputed facts.

5. On November 15, 2019, Federal-Defendants filed their opening consolidated summary judgment brief in this matter (Doc. 65) as well as a separate statement of undisputed facts (Doc. 64) and a statement of disputed facts which was premised on Helena Hunters' citations to the record in its summary judgment brief (Doc. 61).

6. Federal-Defendants interpreted this Court's order (Doc. 9) as rejecting the Parties' request to forgo filing a separate statement of facts, but in any event, felt obligated to do so because Alliance for the Wild Rockies (in the other, consolidated case) filed a separate statement of facts.

WHEREFORE, because there are competing and conflicting interpretations of this Court's scheduling order (Doc. 9), Helena Hunters respectfully requests this Court clarify whether (or not) the filing of a separate statement of disputed and undisputed facts is appropriate in this case (No. 19-cv-0047-DLC). If it is, Helena Hunters respectfully requests leave to file a statement of undisputed facts in support of its motion for summary judgment with its consolidated response and reply brief, which is currently due on December 20, 2019 (Federal-Defendants and the other parties would thus be given the opportunity to file a statement of disputed facts with their final reply brief, current due on January 17, 2020). Doc. 20.

Counsel for Helena Hunters contacted the other parties in this case (No. 19-cv-0047-DLC) regarding this motion and they do not oppose.

Respectfully submitted this 18th day of November, 2019.

/s/ Matthew K. Bishop  
Matthew K. Bishop

/s/ Kelly E. Nokes  
Kelly E. Nokes

*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2019, I filed a copy of this document electronically through the CM/ECF system, which caused all ECF registered counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Matthew K. Bishop  
Matthew K. Bishop